

Appl. No. : 10/775,882

Response to the Final Office Action of September 20, 2006

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REMARKS

This response is submitted in reply to the Final Office Action mailed on September 20, 2006. Claims 1, 2 and 4 are pending in the patent application. No new matter has been added by this response.

Claims 1-2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2005/0135422 to Yeh ("Yeh") in view of U.S. Patent No. 6,366,561 to Bender ("Bender"). Applicants disagree with and traverse this rejection for the following reasons.

Applicants submit that Yeh is not prior art to the claimed invention. Under § 102(e), a person shall be entitled to a patent unless their invention is "described in an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent." Yeh's earliest effective filing date is the date it was filed in the United States, which is December 19, 2003.

Applicants' application claims priority to Taiwan patent application no. 092107843 which was filed on April 4, 2003. Under 37 CFR § 1.55, a claim for priority must be presented during the pendency of the application, and within the later of four months from the filing date of the application or sixteen months from the filing date of the prior foreign application. (MPEP, page 200-73). Additionally, the claim must identify the foreign application for which priority is claimed by specifying the application number, country, day, month, and year of its filing. Applicants have satisfied these requirements. Therefore, the earliest effective filing date of Applicants' application (i.e., the claims) is the filing date of the Taiwan application or April 4, 2003.

Since the earliest effective filing date of the subject application and thereby, Applicants' claimed invention, is April 4, 2003, Applicants' invention was necessarily made prior to that

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date. Since Applicants' invention was made prior to the earliest effective filing date of Yeh, which is December 19, 2003, Yeh is not prior art to Applicants' claimed invention.

For at least this reason, Applicants submit that claim 1, and claims 2 and 4, which depend from claim 1, are each patentable over the combination of Yeh and Bender because Yeh is not prior art and because Bender does not disclose or suggest the claimed invention.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeh in view of Bender in further view of Applicants' prior art. As stated above, Yeh is not prior art to Applicants' claimed invention. Furthermore, neither Bender, Applicants' prior art nor the combination of these references discloses or suggests the claimed invention. Accordingly, claim 4 is patentably distinguished over the combination Yeh, Bender and Applicants' admitted prior art and in condition for allowance.

Applicants submitted a certified copy and an English translation of Taiwan patent application no. 092107843 to the Patent Office on February 10, 2004. A copy of the stamped returned postcard indicating that the certified priority document was received by the Patent Office is attached to this response. However, the Examiner has not yet acknowledged receipt of the certified priority document. Accordingly, Applicants respectfully request that the Examiner acknowledge receipt of the priority document.

In light of the above, Applicants submit that claims 1, 2 and 4 are patentable over the art of record. Accordingly, Applicants request that claim 1, 2, and 4 be deemed allowable at this time and that a timely notice of allowance be issued in this case.

If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (33038-407500) on the account statement.

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Applicants respectfully request that the undersigned attorney be advised of the disposition of this response in advance of the expiration of the three-month response period on December 20, 2006.

Respectfully Submitted,

Date: 11-15-06

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, facsimile number 571-273-8300, on this 15th day of November, 2006.

Date: 11-15-06  
Rose Ann White

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A Method for Transmitting  
Mark/Title: Frames in a Wireless Local  
Area Network  
File No.: 407500

Ser. No.:  
Applicant: Lin et al.  
Filing Date: February 10, 2004

17856 U.S. PTO  
10/775082

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

EV126287768US 021004

Sir:

Please receipt-stamp and mail this card to acknowledge the Patent and Trademark Office's receipt of the following attached documents:

Transmittal letter, 13 pgs. of specification, 4 pgs. of drawings,  
Declaration, Power of Attorney, \$385.00 check, assignment, assignment  
recordation sheet, \$40.00 check, cert. copy of TW 092107843 and  
return postcard

Respectfully submitted,

Applicant's Attorney  
Harold V. Stotland/r/c 2/10/04